

BAR BULLETIN

PUBLISHED BY THE LOS ANGELES BAR ASSOCIATION

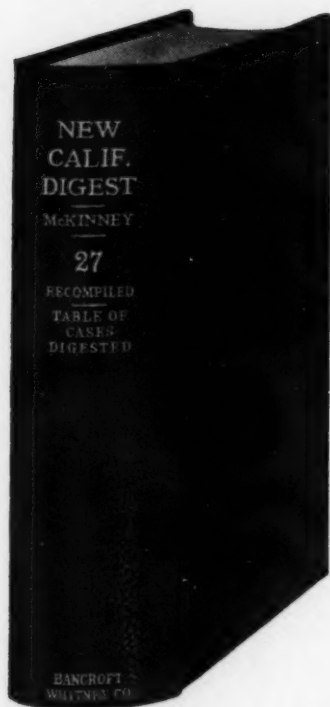
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DON'T MISS
THE NEXT MEETING
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GOVERNMENT OF THE PEOPLE

THIS month again brings to mind the admonition found in the concluding phrase of Lincoln's Gettysburg Address, that it is for us, the living, to be dedicated to the great task ahead, resolving "that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth." "The world," said Lincoln, "will little note nor long remember what we say here." History records, however, that in later years the world took little note, nor long remembered, the prepared oration of the other speaker on that occasion, and soon forgot even his name, and that Lincoln's own address of but a few hundred words will be remembered for all time.

But even though we remember, we are led to wonder what has become of that high resolve "that government of the people, by the people, for the people shall not perish from this earth." We are now engaged in a war of extermination. It can have no end until we have exterminated, not the German and Japanese races, but rather the ideologies for which their leaders stand, or until we ourselves are overpowered and forced to live as Nazis or Shintoists or both. Certainly we cannot hope to exterminate our enemies unless in this country we strive to maintain a government which accords with the concept so simply stated by Lincoln.

Few of us quarrel with the foreign policies of the administration, although we may well take issue when its spokesmen criticize us for our critical attitude, yet at the same time withhold unnecessarily knowledge of facts on which intelligent judgments could be based. On the other hand, most of us have a reasonable understanding of domestic issues and long for the day when those who are charged with making our laws and those who are charged with enforcing them will wake up to the fact that they are often some miles behind the end of the procession of public opinion. When that time comes we may expect to see the end of dangerous conflicts among the lesser and the greater bureaucrats, reason rather than guess work on the administrative side, less talk and more determined action, the end of useless governmental expenditures, and a proper discharge by all concerned of the functions of the several branches of our government as set forth in the Constitution. Until then we cannot be fairly criticized if we give voice to our rather firm conviction that we do not now have government of the people, by the people, for the people.

ROLL OF HONOR

AS the months go on, more members of the Los Angeles Bar Association are added to the growing list of those who have given up the practice of law for the duration to join the armed forces. Those who have advised us during the past month that they have reported for duty include:

Alsup, William W., Private, USA
 Anderson, Walter N., Sgt. USA
 Conners, William J., Private, USA
 Findlater, John W., Lt. USMC
 Hindin, Maurice J., Civilian Instructor,
 USA AC
 Hunt, Clarence S., Lt., USNR
 King, Joseph I., Private, USA
 McNerny, Cornelius W., Jr., Lt. USNR
 Myers, John Bricker, Officers Candidate,
 USA AF
 Reid, Victor Minter, Jr., Private, USA

Rice, Peter T., Private, USA
 Richardson, Harold J., Lt., USNR
 Schmidt, George R., Ensign, USNR
 Sease, Robert, Private, USA AC
 Smith, Donald F., Lt. (j.g.) USNR
 Smith, Russell, Officers Training School,
 USNR
 Stene, George R., Ensign, USNR
 Tackabury, George W., Captain, USA
 Walker, Charles M., Private, USA
 Wickhem, Frank, Captain, USA

We wish that we might report in these pages the names of the many who, as civilians, are aiding in the prosecution of the war and in civilian defense, but it is virtually impossible to obtain the necessary information.

DON'T MISS THE NEXT MEETING

The Speaker

Honorable Earl Warren

Governor of California

INDUCTION OF NEW OFFICERS

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WILLIAM C. MATHES

President of the Los Angeles Bar Association, 1943



WILLIAM C. MATHES

ON March 4, Mr. William C. Mathes will be inducted into the office of President of the Los Angeles Bar Association for 1943, along with the other officers and trustees recently elected by the members.

It is hardly necessary formally to introduce our new President to the members of the Bench and Bar of Los Angeles County, where he is widely and affectionately known, and addressed as, "Bill" by his many friends. But it is appropriate to say something of his training and ability to lead the membership of some 1800 active practitioners, and to discharge the rather onerous duties and responsibilities of the office.

Few men attain to qualified leadership in, and understanding of organized Bar work, and of the many problems the profession must meet and solve in these changing years, except through experience and training gained from voluntary and consistent service.

If this be true, and we contend that it is, then "Bill" Mathes has earned his honors, as well as the complete confidence of his fellow Bar members. He will discharge his

duties unselfishly in the interests of the administration of justice, for the public welfare, and on behalf of the Bar generally.

Even since Mr. Mathes was admitted to the practice of law, in Massachusetts and California, in 1924, he has been a member of the Los Angeles Bar Association, has interested himself in organized Bar work and has given freely of his time and talents in furthering the highest ideals of professional activities, both locally and nationally.

It is not likely that many of our new President's friends ever heard of Hale Center, in the State of Texas, but that is where he was born, on December 17, 1899. After the usual preparatory courses, he entered the University of Texas, graduating in 1921, with a B.B. A. degree. His legal education was completed at Harvard University, in 1924, LL.B., and he promptly became a citizen of Los Angeles.

Mr. Mathes was elected to the Board of Trustees of the Los Angeles Bar Association in 1940, Junior Vice-President in 1941, and Senior Vice-President in 1942. He is a member of Delta Tau Delta and Alpha Psi fraternities, the American Bar Association, the Harvard Club of Southern California, University Club, Town Hall, and the American Judicature Society. He has long been active in the American Bar Association, and at present is a member of its Committee on Legal Service Bureaus. The membership will give Mr. Mathes active and sincere support in his coming administration.

EWELL D. MOORE.

HARRY J. McCLEAN

Senior Vice-President

WHEN Alexander Pope wrote in his "Essay on Man" that "Worth makes the man, and want of it, the fellow," he could not have had such a man in mind as Harry J. McClean, the Senior Vice-President of the Los Angeles Bar Association. Why not? Because Harry is more than is embraced in that statement. He not only measures up to Pope's idea of a man but he also is a good fellow in the best sense of the word. Of course, Pope was undoubtedly referring to a different kind of fellow. Writing this brief article about the incoming senior vice-president of our Association brings to mind another verse written by Pope. In his "Essay on Criticism" he says: "Words like leaves, where they much abound, the fruit of sense beneath is rarely found." Anyone who has served with Harry McClean on a Committee or Board or has heard him in court or delivering an address or as presiding officer at a meeting knows that he never wastes words.



HARRY J. McCLEAN

Mr. McClean was graduated from Stanford in 1915 with an A.B. Degree and from the University of Southern California, School of Law, in 1917 with the degree of J.D. At law school he was honored with the Order of the Coif. He was admitted to the Bar in 1917 and joined the Los Angeles Bar Association in 1920. Since a few years after joining the Association Mr. McClean has been an active participant in its activities. To enumerate all of the Committees on which he has served and all of his accomplishments in these services would take more space than is available in only one issue of the BULLETIN.

Mr. McClean is now chairman for the third year of the Committee on Administrative Agencies and Tribunals of the State Bar of California. He has rendered yeoman service on this Committee. In 1939 he was a member of the Section of Legal Education and Admissions to the Bar of the American Bar Association. In 1941 Mr. McClean was in charge of the organization of the Legal Institutes in California for the State Bar as chairman of its Committee on Education and Public Information. For several years he has had a major part in arranging lecture courses for members of the Bar that have proved to be most helpful to the Bar.

In January, 1931, Mr. McClean was elected to the Board of Trustees of the Los Angeles Bar Association for a term of two years. In January, 1939, he was again elected to this Board for another two-year term and was reelected for another term of two years in January, 1941. In the latter year he served as Secretary of the Association and in 1942 he was elected Junior Vice-President. There is little wonder that in 1943 Mr. McClean was moved up another notch in the honor roll of the Association by his election as Senior Vice-President.

Surely, the finest traditions of the legal fraternity are reflected in the activities of Harry J. McClean! He richly deserves the honor of being the Senior Vice-President of the Los Angeles Bar Association.

KIMPTON ELLIS.

ALEXANDER MACDONALD

Junior Vice-President



ALEXANDER MACDONALD

ALEXANDER MACDONALD, Junior Vice-President of the Los Angeles Bar Association, has been practicing his profession in this community about thirty years, having come here from the Law School of the University of Virginia, where he won high honors as a student. He started his practice here as a member of the staff of the firm of Messrs. O'Melveny, Stevens & Millikan. Prior to the first World War he was associated with various other offices, and at the outbreak of hostilities immediately entered the service, went overseas, and came back as a Captain of Field Artillery. Shortly thereafter he became a member of the firm of Messrs. Bauer, Wright & Macdonald. He now occupies the post of Regional Administrator of the War Production Board, having temporarily retired from the firm of Messrs. Macdonald & Pettit.

"Alec" is a versatile lawyer. He has never confined himself to any one field, although in recent years he has devoted himself more to corporate work than he did in earlier days, when he made an excellent record as a trial lawyer. His outstanding characteristic is that of concentrating on whatever task he has in hand until he has completely buttoned it up. While his practice has been a busy one, he has, nevertheless, found time to carry more than his share of the burden of community projects. He was a member of the first committee of the Bar Association appointed for the purpose of protecting the courts against unwarranted outside influences, and donated many weeks of his time in the contempt proceedings which resulted in the cancellation of the radio privileges of one of the better known radio orators. For many years he was chairman of the committee devoted to bringing about a better method of selection of the judiciary and has served as a trustee for many years. His public work has not been confined to Bar Association affairs. He has recently held the office of Vice-President of Town Hall and for several years was Chairman of its Section on Industrial Relations, rendering great service in improving employer-employee relations in this community. He has taken an active part in politics, having been one of the original sponsors of the Willkie-for-President movement in Southern California.

On the golf course he shoots in the low eighties; he is an outstanding trout fisherman; an excellent shot; he can do a fair job on the piano, and is usually on the winning end whenever he turns his hand to bridge, dominoes, or chess.

He has a great capacity for human relationships, and has hundreds of friends up and down the State. He is married, having one daughter in preparatory school and two stepsons who are now in the Navy, fighting in the Pacific.

He has given up his private practice and all other activities in order to devote himself to the winning of the war, and he was persuaded against his better judgment to continue to serve the Bar Association. He represents the best in our profession and is a walking refutation of the charge so often made recently that the lawyers are essentially selfish and do not carry their share of onerous public service.

J. C. MACFARLAND.

THE F. B. I. AND NATIONAL SECURITY

By H. Bruce Baumeister, Special Agent, F.B.I.*

IT IS a personal privilege to appear before you as a representative of the Federal Bureau of Investigation and its Director, John Edgar Hoover.

This is a time during which we are witnessing a crucial period which will determine the future of our civilization. Assailed by encircling forces of totalitarianism, American democracy is the world's last great bulwark of liberty and freedom. The armed forces of the nation can be relied upon to defend any attack upon American democracy on land, or sea, which is daily being demonstrated, but without the continuous operation of production lines by defense plant workers, the armed forces of the nation in a very short time would be helpless. For this reason every effort must be made to properly safeguard our industrial facilities. Never before has there been a greater need for unity, for calm appraisal of the forces which work against us, for coordination of thought and effort in building an impregnable defense against our enemies.

So it is an additional privilege to be here, for we of the Federal Bureau of Investigation are depending more than ever on you, the loyal citizens of these United States. There is no better evidence of the interest that you, the public, is taking in supporting the Bureau than your desire to learn of its work, which desire you have reflected in your invitation to have a representative of the Bureau speak to you. The present Director of the Bureau was appointed to his position in 1924.

Mr. Hoover took the position only after an understanding that the appointment of employees in the Bureau and the administration of the Bureau were to be entirely divorced from politics. This policy has never wavered and continues in force today. We are often asked why a Special Agent must have a law degree or be an accountant. The main work performed by the FBI is to collect evidence in all violations over which it has jurisdiction and to present this evidence to the United States Attorney for his use in prosecuting the violators. When J. Edgar Hoover was appointed Director he set down the above qualifications. It is his opinion that a man with legal training would be the best qualified person to determine what evidence should be obtained that would be admissible as evidence in a court of law. As for the accountants, their work consists of examining books and records in connection with cases involving the embezzlement of bank funds, concealment of assets in bankruptcy matters and work of that nature.

ACTIVITIES DURING THE NATIONAL EMERGENCY

It has been indicated that you would be interested in knowing something concerning the activities of the FBI particularly during these days of National Emergency. The internal security of the nation is of immediate concern and, as our work in this connection is rather far reaching, I shall be able to only briefly mention some of its more interesting phases, such as espionage and rumors, both of which are patent methods of warfare used by our enemies.

As the war clouds blackened over Europe in the early summer of 1939, the President of the United States sensed the seriousness of the situation and the ultimate threat to our own security. In order to avoid the duplication and confusion of the first World War when numerous investigative agencies, both of a law enforcement and private nature, were engaged in handling national defense

*Excerpts from an address by Mr. Baumeister at a recent meeting of the Kiwanis Club, of Van Nuys, California. This address deals primarily with rumors and espionage. We hope to publish later a talk by Mr. Baumeister on the subject of sabotage.—Ed.

matters, the Chief Executive decided to coordinate all investigations pertaining to espionage, sabotage, and similar violations of the National Defense statutes under one central agency. For this task, he chose the Federal Bureau of Investigation.

Going further, the President on September 6, 1939, issued a formal directive calling upon all law enforcement agencies to cooperate with the FBI in this vital work by referring to it all information coming to their attention indicating possible violations of the National Security Statutes.

Immediately upon the issuance of the President's directive, thousands of letters poured in the FBI office from law enforcement agencies pledging their whole-hearted support in this undertaking and you, the citizens of our country, have been and are continuing to do your part. Every day throughout the country many hundreds of citizens call at the Bureau field offices to do their bit in advising the FBI of any activities of a suspicious or subversive nature. There are undoubtedly some of you who have already done your bit in helping us. As there may be others who would like to help but have not, I would like to take a moment to emphasize that you, the American public, are the eyes and ears of the Bureau. Very often our investigation starts from the report of someone who has noted something unusual and suspicious in his or her community, involving a possible violation of the national security statutes.

The names of these patriotic citizens are kept confidential at all times. All this data is courteously received and evaluated. Investigation by us very often confirms the suspicions. I have in mind a very simple observation that occurred in England soon after the outbreak of hostilities between England and France. This person dropped into a pub in London one afternoon and asked for a scotch and soda. The bar-keeper concluded quite properly that the person requesting the drink must be indeed a stranger inasmuch as he would otherwise have known that during certain hours of the day it was forbidden to sell hard liquor. The bar-keeper reported the matter immediately to the police who questioned the individual and as a result of their questioning arrested the stranger as it developed that he had secretly arrived from the continent. A short wave receiving and sending set was found in an outlying field in the possession of an accomplice who was also arrested. They had come to England to obtain information to send back to the Axis countries.

The additional and increased volume of work entrusted to the FBI since the outbreak of war has been tremendous. The various police departments throughout the country have been rendering invaluable assistance to the FBI in connection with the National Defense program and their cooperation and ability have been splendid.

ESPIONAGE AND COUNTER-ESPIONAGE

The success of investigations of espionage cannot be judged by prosecution and convictions as readily as in the cases of kidnaping, bank robberies and other crimes. Espionage investigations must be so conducted as to learn the identity of the individuals involved, together with ascertaining their contacts, methods of operation, sources of information and related matters. The preventive aspect is of paramount importance.

Espionage is a word in itself which kindles the imagination of some and fear in the minds of others. Espionage is a reality in the United States. Generally speaking, espionage is the method employed by foreign powers to secure knowledge of defense and preparedness plans of another country. It involves much more than dealing with military secrets, and in fact reaches out into every phase of commercial and industrial life.

In considering the harm which may be caused by espionage agents in the

United States today, we only need glance at recent history to see that spies as well as armed forces, can aid in conquering nations. Almost daily we used to read in the newspapers of how the so-called "fifth columns" have aided the Army and Navy forces of our enemies.

Espionage is as old as the memory of man and was found among the Persians and others in ancient times. The first organized systems, however, were developed in England under Cromwell, and in France under Richlieu. Bismarck likewise had a system and his Wilhelm Von Stieber must be ranked as one of the outstanding spy masters of all times. He was the most hated and feared man in all Europe, much as Himmler is today, and aided greatly in the solidification of Germany under Bismarck.

The FBI is a counter-espionage organization. One of the best known current espionage cases broken by the FBI is the one centering around William Sebold and Fritz Duquesne.

In February, 1939, William Sebold, a naturalized American citizen, returned to Germany. Upon his arrival he was contacted by the Gestapo and questioned in considerable detail about his occupational activities in the United States, particularly with reference to his employment in airplane factories.

While there an individual contacted Sebold using the name of Dr. Gassner who threatened Sebold in order to induce him to return to the United States as a German espionage agent. Following Sebold's agreement to serve in the United States as an espionage agent, he was sent to Hamburg where he was trained in espionage work and instructed in such items as the concealing and transmitting of information, the operation of a telegraph key, making microphotographs and the like.

While in Hamburg he lived at the Klopstock Pension which was the quarters for espionage agents then in training. Prior to leaving Hamburg he was given the names of Colonel Fritz Duquesne, Herman Lang, Lilly Stein, and Everett Roeder whom he was instructed to contact after his arrival in New York City. Sebold was given a separate microphotograph for Duquesne, Stein and Roeder which contained lists of information they were to get and forward to Germany. Sebold was further given microphotographs for himself which contained detailed instructions he was to follow and information he should develop. Sebold himself was given \$1500, \$500 of which was to be paid to Roeder. A verbal message was sent to Lang.

Further instructions were that Sebold should contact some amateur radio operator upon his arrival and obtain instructions in radio transmission. Sebold was to get the operator to transmit messages for him or he himself was to buy a radio transmission set for use in sending messages to Germany. Sebold was furnished mailing addresses in China, South America and Portugal. He was also told to join the National Guard in the United States in order to learn the latest military equipment.

While Sebold was not anxious to do the bidding of the German Gestapo he learned that his only chance of getting out of Germany depended upon his agreement to follow Gestapo instructions. However, just prior to sailing he secretly made his plight known to the American consul. Arrangements were made and when Sebold landed in the United States he was met by an Agent of the FBI. Sebold told his story and agreed to cooperate by carrying on his activities as a German espionage agent.

In compliance with instructions which Sebold had received in Germany, he met Duquesne, Roeder, Stein and Lang, giving to each the items which were sent over. Each meeting was of course under close FBI supervision and surveillance. From this time on Sebold carried out instructions which were given him by FBI Agents.

The matter of communication was of course important, and following instructions Sebold received in Germany, arrangements were made to erect a short wave radio station at Centerport, Long Island. This of course was done by technical experts of the FBI, and the station first contacted the German espionage station AOR at Hamburg in May, 1940.

The German authorities directed Erwin Siegler, a butcher on the S. S. Manhattan, to contact Sebold. Through means of the radio station, in contacts with Siegler and others, Sebold met and learned of many other men who were carrying on German espionage activities. Almost all of these were naturalized American citizens. Many of them were employees on steamships who acted as couriers or who collected information.

The German government sent money to Sebold either by courier or by cable or telegraphic transfer of funds. He was to use this for his own expenses and from time to time pay other agents.

On various occasions the German espionage heads in Germany requested different types of information such as the number of airplanes manufactured, new developments in anti-aircraft guns, methods of protecting American ship yards, and information concerning the sailings and arrivals of foreign and United States ships in American harbors. The information developed as a result of these requests by the various espionage agents and by Sebold himself was reviewed by representatives of the War Department, Navy Department and the FBI prior to being sent to Germany. When being sent the information was either coded for radio transmission or microphotographs were made of it. In some instances the original documents were sent.

Sebold rented an office in New York City and operated under the guise of a Diesel engineer. He held various meetings with espionage agents in his office which meetings were observed by Bureau Agents. The radio station which was set up by the FBI continued to operate until the case was broken. Over 300 messages were sent to Germany and approximately 200 received.

After nearly two years of surveillance of these spies, the FBI took into custody the entire ring of thirty-three persons. Prior to the commencement of the trial seventeen of the thirty-three subjects entered pleas of guilty to the charges filed against them; two others entered similar pleas during the course of the trial.

In January, 1942, the thirty-three persons involved in the case were sentenced in Federal Court in Brooklyn, New York, to total prison terms exceeding 320 years and were assessed fines of \$18,000.

RUMORS

Part of the job of the spy and saboteur is to start false and malicious rumors. These are designed to undermine morale and hamstring our war effort. Sometimes these rumors are begun unintentionally by well-meaning people. A rumor, however, seldom passes in its original form, but is invariably built up and elaborated upon at each subsequent retelling.

The circulation of false stories and wild rumors has long constituted a potent method of warfare by which the Axis powers have created hysteria and unrest. This mental confusion undermines the Allied forces and weakens both our military and civilian morale.

Unknowingly many loyal citizens may themselves do the work of these Axis-inspired spokesmen by excitedly passing on the stories and rumors coming to them. Unnecessary talk and idle gossip by citizens not only may furnish valuable information to the enemy but may also promote the very hysteria which our enemies would like so much to see.

(Continued on Page 133)

VICTOR E. SHAW

MEMORIAL BY THE BOARD OF TRUSTEES OF THE LOS ANGELES BAR ASSOCIATION

VICTOR E. SHAW, long a respected and honored member of the bench and bar of Southern California, was visited by death on January 1, 1943.

Judge Shaw was born in Missouri in 1857 and took his law course at the University of Michigan. He moved to Southern California in 1886 and for a number of years was a leading member of the bar of San Diego.

Shorely after the creation of the District Courts of Appeal in 1905, he took his place as an associate justice for the second district, where he served with honor and distinction until 1923, when he returned to private practice. During this period he was called upon from time to time to serve as an associate justice *pro tem* of the Supreme Court, a duty which he performed with his customary ability. Many important opinions were written by him during his term upon the bench.

Judge Shaw was always a man of sterling character and integrity, and these qualities, combined with his legal ability, resulted in his achieving a place in the profession which is attained by few.

Therefore,

BE IT RESOLVED by the Board of Trustees of the Los Angeles Bar Association:

1. That in the passing of Victor E. Shaw, the bar has lost one of its outstanding members.
2. That the Los Angeles Bar Association hereby extends to the widow and family of Judge Shaw its deepest and most sincere sympathy.
3. That a copy of this resolution be forwarded to the District Court of Appeal, Second Appellate District; with the request that it be spread upon the minutes of the court.
4. That this resolution be spread upon the minutes of the Board of Trustees, and that a copy hereof, duly certified, be transmitted to the widow of the deceased.

MEMORIAL TO CHARLES D. BALLARD

THE LOS ANGELES BAR ASSOCIATION true to its duty to signalize the achievements of conspicuous members of the Bench and Bar, and desirous of memorializing the accomplishments of those who have shed luster upon our profession during their lives, places on record its profound sense of bereavement in the recent death of Judge Charles D. Ballard of our Superior Court, and also its keen regret at the great loss sustained in the administration of justice by his departure from this life.

Judge Ballard was born in Nevada in 1874 and spent the greater part of his life in this State of California. Early in his youth he had the stimulation of a public-spirited father who served Orange County in the State Senate of California with integrity, ability and fidelity to duty. With such an example before him he likewise took up the responsibility of official duties, thankless though they may appear at times, by qualifying for the Municipal Bench of Los Angeles County where he spent so many years of strict attention to duty and concern for the justice of his decisions for the various litigants who appeared before him. Still imbued with a desire to serve his beloved State he became a Judge of the Superior Court on August 24, 1931, and remained on the Bench and was successfully re-elected until he was stricken with a mortal seizure and died suddenly and unexpectedly while on a well-earned and brief hunting trip.

Judge Ballard's outstanding qualities as a Judge, among his other attributes, were his sensitive concern to justice irrespective of the power, or influence, or personal concern he might have in the subject matter before him. He was patient and forbearing to a fault with clashing temperaments amongst the members of the Bar, and never lost that judicial deportment that is one of the essential characteristics to maintain the respect of our courts. When shed of his official obligations he was a charming and gracious personality, a sincere and faithful friend, and a sympathetic and kind-hearted American gentleman. He was a man.

To his beloved wife and bereaved family we extend our heartfelt sympathy and pray that God have infinite mercy and compassion to lighten the load of sorrow which has come upon them.

BE IT RESOLVED, that these Resolutions be spread upon the minutes of the Los Angeles Bar Association, and that a copy hereof be transmitted to his beloved wife and family.

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(Continued From Page 129)

Not many of these false tales are as fantastic as the report which was circulated in the Northwest shortly after the Pearl Harbor attack to the effect that Japanese disguised as salmon were swimming up the Columbia River.

Then there was the request which reached authorities from a woman that her neighborhood be investigated because the spies out there were "thick as flies" and were communicating with each other through water faucets. In addition to this they constantly sent signals back and forth by blowing "silent whistles."

The damaging effect of rumor does not arise from this type of story, but is caused by reporting those imaginary instances which *could* happen. No better example of this exists than the wild rumor which raced along the Eastern seaboard shortly after December 7, 1941, that enemy aircraft were two hours away from New York City. After the newspapers carried the first news of the supposed air raid, the radio stations in New York ordered the people to stand by their radios for further instructions. Following the initial news flash, the story began coming from five or six different sources until the entire city of New York was jittery. It developed that the story was nothing but an accumulation of rumors.

Following the Japanese attack on America's Pacific fleet at Pearl Harbor, wild rumors flew with the winds concerning the sabotage and other fifth column work which had been committed by pro-Japanese residents of the Hawaiian Islands. One of these stories was to the effect that swaths were cut in cane fields in the form of arrows pointing to Pearl Harbor and military objectives to assist the Japanese airmen in reaching their destination. Another story made the rounds to the effect that innocent-looking advertisements accepted by newspapers in good faith may have contained coded messages to fifth columnists. One of the most oft quoted stories in connection with the Japanese attack was that Japanese truck drivers drove from side to side of the road from Honolulu to the military fields to delay American pilots who were frantically trying to reach their planes. Diligent investigation by the FBI and military authorities failed to disclose a single instance of sabotage by Japanese residents on the Hawaiian Islands either before December 7, 1941, on that fateful day, or since.

Shortly after the outbreak of war a rumor circulated in one of the Western cities that three cans of shrimp had been found containing what appeared to

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be ground glass. As a result of this discovery the local health officials impounded the stock of the distributor and the latter in turn telephonically advised the retailers to withdraw the stock on hand from public sale. Specimens of the shrimp were submitted to the Technical Laboratory of the FBI for appropriate examination. No glass was found but instead there were a few crystals of struvite in the shrimp meat. This substance is a normal and natural constituent of canned sea food of various types and consists of nothing more than magnesium ammonium phosphate.

Typical of many baseless rumors which are received by the FBI was one that an enemy "submarine" was supposedly being transported by truck over a public highway in the Western part of the United States. It was alleged that the "submarine" was fully equipped with torpedo tubes and gun mounts. Investigation revealed, however, that the contraption was nothing but a huge cigar shaped boat which contained no torpedo tubes, gun mounts or motor. The owner was merely taking it down to the beach where he planned to convert it into a fishing vessel.

A report reached the FBI that a Japanese rubber raft had been found in San Francisco Bay. Inquiry revealed it was a child's toy, stamped "Made in Japan" and could not have been used for military purposes.

Not long ago a man and his wife were stopping at an Atlantic City hotel. They lowered the curtain in their room and opened the windows to enjoy the fresh ocean breezes. A report reached the FBI that a light was flashing a code from the hotel room. Investigation disclosed the "signaling" was caused by the flapping curtain.

Several months ago there was a report that a woman's canary had died instantly inasmuch as the drinking water had been poisoned by a saboteur. In reality the canary had not been fed for two or three days and died from the effects of over stuffing when finally given food and water.

In investigating rumors of sabotage in a large airplane plant, Special Agents of the FBI interviewed an informant who advised that all of his information pertaining to the alleged sabotage had come from his wife who had learned of the matter in conversations with some of her friends at social affairs. When the informant's wife was interviewed she advised that Mrs. A had told her of having learned through Mrs. B there were some German Army Reservists employed in the capacity of foremen at the plant and that these persons were engaged in actual sabotage. The informant's wife indicated that according to the story she received, the Germans employed at the plant had sabotaged an airplane which subsequently crashed and caused the death of several Army officers.

Mrs. B, when interviewed, related that all of her information came from a Mrs. C. It was pointed out that according to Mrs. C the three German Army Reservists were "getting away with murder" at the airplane plant and were directly responsible for the plane crash in which several Army men lost their lives. Mrs. C could add very little additional information, but mentioned she was confident something was wrong at the plant inasmuch as her son-in-law attempted to get a job there and was unsuccessful. She pointed out that the Germans were only naturalized citizens and had jobs while her son-in-law, an American citizen, could not obtain one. Mrs. C denied having started the story that the three Germans were responsible for the airplane crash. It was obvious, however, that Mrs. C had engaged in gossip and rumor-mongering simply because her son-in-law had been unable to obtain a job. As a matter of fact it might be noted that the three so-called Army reservists occupied minor positions and were not so situated that they could engage in subversive activities.

Each of you can do your part in this fight against rumor-mongering by vigorously questioning rumors that you hear, not only in your own minds, but in the minds of those relating the falsehoods to you. If each person who hears a rumor refuses to spread it further and prevails upon the person telling him to cease spreading the story, he will be doing an important part in combatting this type of enemy warfare.

CONCLUSION

There is still an enormous amount of work confronting the Bureau, but I wish to assure you that after some four years of careful preparation and concrete effort on the part of the citizens of this country, cooperating closely with the Bureau, the Government is in a much better position to deal with the enemies within than at any other time in its history. You who live in your local communities are charged with the responsibility of seeing that your community is kept secure and free from subversive elements. Special Agents are always on duty, day and night, to take your complaints and you may come in or telephone, whichever is the more convenient to you. Remember that national security depends on local security and this great nation of ours is only as secure as you, the people, make it.

WAR TIME ADOPTIONS*

By Hon. Robert H. Scott, Judge of the Superior Court, Los Angeles County

THE total number of adoption cases filed in Los Angeles County last year was 1,391, nearly twice the number filed in 1940. War conditions have emphasized in the minds of our citizens the need for making clear and certain the legal status of children in their households. It seems also to have increased the emotional drive of many childless couples to secure and adopt as their own some tiny citizen to bear their name and to carry on in their places in years to come. War intensifies all aspects of human relationships.

With this in mind, a restatement of some of the legal and moral principles which guide us in adoption matters appears timely. There are three principal classifications: (1) "*Agency cases*"—those of children who have been relinquished to one of the two licensed child-placing agencies. They are placed in homes of persons who usually are not related to them but whose antecedents have been checked with scrupulous care. These organizations are the Children's Home Society and the Native Sons and Native Daughters Central Committee on Homeless Children. (2) "*Social Welfare cases*,"—in which the adoption may be by relatives but in most cases is by strangers to the infant. In either event the case is investigated by a representative of the State Department of Social Welfare which in turn reports to the court at the hearing of the case. (3) "*Stepparent cases*," are those in which the spouse of a natural parent seeks to adopt a child or a whole family of children. The probation officer makes an investigation in these cases and presents the report to the court.

The placements made by the child-placing agencies above mentioned conform to nationally accepted standards. Similarity of race, religion, physical and mental and other characteristics should be compatible. A year's supervision of the child in its new home is provided by the agency. This assures all parties that the placement is wise and that the child can be integrated into the family group. At the end of the year, when the adoption case is ready for hearing a favorable recommendation assures the court that appropriate safeguards have been provided.

*Remarks by Judge Scott at Conference of Workers of the Department of Social Welfare of the State of California, Thursday, January 21, 1943.

Unless something unanticipated is disclosed by the testimony the adoption decree can usually be granted.

In the second group of cases we have mentioned, experience shows that if the placement has been made with relatives of the child, the State Department of Social Welfare is warranted in assuming a bond of affection already exists. In such cases if the natural parents are unable or unwilling to continue caring for the child and the petitioning relatives are mentally, physically, morally and financially able to step into the parents' place there is seldom any difficulty.

But where a child has been placed with persons who are strangers to him a number of problems may develop. For example, a private physician sometimes places a child for adoption and the grateful prospective adopting parents pay the confinement expenses for the unwed mother. This payment must be construed as an inducement to any consent that the natural mother may give. It is the practice that where this has been done the adoption is not consummated until six months or a year after the child has been placed. At or near the time the case is to be heard, the natural mother should either be brought into court or should by deposition or affidavit inform the court as to whether or not her consent is entirely free and voluntary. She usually declares that such payment did not induce her consent; that she would have consented to the adoption regardless of anything of the kind and that she is fully recovered from the strain of child-birth and voluntarily consents to the adoption solely on the ground that she believes it would be for the best interest of the child. This to some extent protects the adopting parents from the natural mother reasserting parental rights which she has transferred to them. Some physicians, and others, in ignorance or defiance of the law which forbids a person to place a child for adoption except through a child placing agency. (Welf. and Inst. Code, Secs. 1620 and 1629), make such placements. There have been no prosecutions of physicians for such placements, and it is to be hoped that none will ever be needed. These incidents must be dealt with on a case-work basis. The average citizen who would serve as a trial juror in the event of criminal prosecution knows nothing of that provision of the law or of the reason for it. Such a prosecution would doubtless result in an acquittal unless it were shown at the trial that the placement was in a home which is unfit as judged by ordinary standards. It must be admitted that a wise physician may make a placement which is as good or better than that which might be made pursuant to strict legal procedure. A recent case however disclosed a placement by a physician at the time the natural mother was still in the hospital. The natural father had married the girl on the assurance of her parents that she would relinquish the child and make no claim on him for its support. When she got out of the hospital and returned to work, she wanted her baby and a court proceeding was necessary to restore it to her. In the meantime a couple, with fine character and a good home, had become deeply attached to the infant. They yielded it to the mother with courtesy and restraint but the anguish of their experience of giving up the baby they had learned to love was utterly tragic.

In another recent case, a physician accepted for placement twins who had been born to a married couple. He placed them with a man and wife who were not financially equipped to assume the responsibility of adopting two children and whose disdain for the usual means of acquiring a family was evidenced by sterilization of the husband upon the insistence of his wife. Obviously the children could not be permitted to remain in that home.

In addition to the investigation which is made of the home it has seemed reasonable to require a precautionary test for syphilis as well as a general physical checkup of adopting parents. No objection has been made to this

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practice and it should be followed. An exception might be made where the child has been with the adopted parents for so many years that it knows no other home. Even in these cases a report on the latest medical checkup is usually available. Infants and children being adopted should have been examined recently and adopting parents should agree to provide them with regular attention as to general physical condition, including care of the teeth. Regardless of some especial religious convictions on the subject, adoptive parents have never declined to agree that standard precautions of this kind should be furnished the children who are being entrusted to them.

The provisions of the Civil Code (Secs. 221 to 229), require no explanation as to the consent of the natural parent or parents which is required to free a child for adoption. The consent of an unmarried mother is sufficient under Civil Code, Sec. 200. She may state in her written consent that she is entitled to sole custody and that is *prima facie* evidence of the fact (Code Civil Procedure, Sec. 226). If consent of natural parents cannot be secured, proceedings under Welf. and Inst. Code, Secs. 775-786, may be used in proper cases to free a child from the custody and control of one or both parents. Minors falling within that category are enumerated in Welf. and Inst. Code, Sec. 701. Many cases arise in which a married woman asks to release for adoption a child born to her as a result of an extra-marital romance. In many such cases the woman's husband, who is the legal father, may consent to the adoption. If he does not consent, or cannot be found, it has been the practice of this court to issue a citation directing him to appear in court, at the date of the hearing, and to secure service by publication, as provided in other cases (Code Civil Procedure, 413). Having given to the legal father such actual or constructive notice of the hearing, the natural mother is permitted at the hearing to testify concerning the facts. If the evidence warrants it, the court may make a finding that the inference of legitimacy (Code Civil Procedure 1963, Sub. 31), has been successfully rebutted and that the consent of the natural mother only is required. Upon that consent being given the adoption may proceed. This situation may arise in stepparent adoptions as well as in other types of cases we have mentioned.

There have been only a few cases in which a single person has been permitted to adopt a child. There are some instances in which a child knows no home except with an aged widow or spinster or with some old man who has been a father to him for many years. Obviously we bear in mind that standards or policies relative to adoption cases are intended as safeguards to the child's welfare. They should never be followed so strictly as to cause an emotional injury to the child unless an intolerable situation would otherwise be created. On the other hand, unfit persons should not be permitted to adopt a child merely because they have lavished attention and money upon him. In some cases men and women have found it advisable to change their means of livelihood and make other drastic readjustments in their way of life in order to conform to standards which would permit legal consummation of a child-parent relationship. An employee on a gambling ship some years ago secured a good job as an accountant so as to keep a boy he wanted to adopt, and his wife readjusted her habits so as to assure us that the change was in good faith.

We must remember that persons who seek to adopt a child are endeavoring to satisfy a deep instinct which is in part utterly unselfish and beautiful and in another respect is a fundamental drive which is comparable to the impelling force of the sex urge. If adopting parents have taken a child for adoption and either one of them after undertaking that relationship continues to do things which are morally wrong, it is futile to expect them to undertake a reformation after a decree has been granted. In such cases it is simple kindness to the child

promptly to make a change of placement if that can be done, and to give the child a home where a normal life can be hoped for.

In cases where the woman petitioner appears to be somewhat emotionally unstable and to be seeking a child merely as a satisfaction for her emotional urge, great care should be taken to assure that her maternal interest is properly directed, and does not harm the child. Adoptive parents should be instructed by investigators as to the books and magazines they should read and the progressive steps they should take to become adequate parents. They should be told that the only safe procedure is to inform the child of his adoptive status—not by waiting until he is old enough to fully understand it, but by using the terms “adoption” and “adopted” in connection with words of endearment and praise until they are fixed in his mind as early as possible as being something that is pleasing and satisfying. Unless this is done someone is sure to tell the child that he is adopted and his faith in his adoptive parents may be shattered at a moment when great harm may result. Both boys and girls have come to our attention whose delinquency is directly traceable to ill-advised action of parents who have kept the child in ignorance of the adoption only to have some hostile outsider give the child the information.

The child often feels that, if his adoptive parents were untruthful and deceptive in advising him of the important fact as to his adoption, they might well be distrusted in all the other aspects of parent-child relationship.

A great many cases come to us in which the stepfather adopts a child to whom the unmarried status of the mother at the time of the child's birth had not been disclosed. In such instances the court usually deems it sufficient to inquire of the mother if she is “entitled to sole custody,” and upon an affirmative answer being given, coupled with the consent of the child, if he is of an age so that his consent is required by law, the adoption may well be permitted.

The adoption of a child does not change his citizenship, but it is apparent that a child of American citizens should not be adopted by citizens of a foreign country unless the circumstances are exceptional. A number of cases arise however in which a child who is an American citizen exchanges natural parents for adoptive parents, none of whom are citizens of this country nor of any enemy country. In such cases there may be an improvement in the child's status by reason of the change. We have many cases of children of Mexican parentage of whom this would be true. In such cases it would seem that the question of citizenship need not bar the adoption. Some cases have arisen in which financially solvent parents, for personal reasons, have sought to consent to the adoption of a child by persons who were less well equipped. For example, an estranged couple sometimes will seek to consent to the adoption of a child by aged grandparents who are neither physically nor financially able to adequately provide for the child. In such cases caution must be exercised to be sure either that the emotional security in the proposed home outweighs financial disadvantage and the disparity in age or that the natural parents agree to help supply what the child may need.

Many other questions are bound to arise due to war conditions. It is the view of this court that natural parents and adoptive parents who present these matters to the court are entitled to a presumption that they are acting in the best of faith. Their wishes should be consulted with courtesy and patience. The welfare of the child will be best served if investigators and the court are helpful and considerate toward those who are nearest and dearest to him.

EVIDENCE—CONCLUSIONS OF THE WITNESS

By Frank G. Tyrrell, Judge of the Municipal Court, Los Angeles

ONE of the stock objections to admissibility of evidence is "it is a conclusion of the witness." A decision by the District Court of Appeal, First District, Division One, *Schubkegel v. Gordino*, 56 A.C.A. 731 (Jan. 15, 1943), a malicious prosecution case, brings this to attention. Most of us, both bar and bench, will doubtless agree that usually there is a superfluity of objections to testimony; the presence or absence of a jury makes no apparent difference,—though it should. This plethora of objections is one of the causes of delay, and if we are in earnest in our purpose to improve the administration of justice, we will give some attention to it; it is an improvement that can be brought about by improving the skills of attorneys and judges.

This is the question (p. 738): "Were you actuated by any malice when you had that warrant issued?" The objection reads,—“I object on the ground that these questions are questions of fact to be determined, and any answer would be the conclusion of the witness.” And the Court ruled, “The objection is sustained;” held, prejudicial error.

Counsel was obviously right in his statement that this is a question of fact, and equally obviously wrong in saying that “any answer would be the conclusion of the witness.” A conclusion, from what? The question calls for direct evidence from the only witness competent to give it—the defendant in the case.



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It inquires as to the state of his mind,—as much a fact as the state of the weather.

The language of the learned District Court is clear and explicit (p. 738):

"It was clearly error to have sustained the objection. It is well settled that where the malice, intent or motive of a party is a material fact to be established, the testimony of the party himself directly to the point is competent evidence to prove it."

Runo v. Williams, 162 Cal. 444, is cited as "the leading case in this state," and several other cases are cited and quoted. But it is a matter which is almost a commonplace in our law. California Jurisprudence (10 Cal. Jur. 832), publicizes it:

"But it is a settled rule, supported by abundant authority, that whenever the motive, belief, or intention of a person is a material fact to be proved under the issue, it may be proved by the direct testimony of such person, whether he is a party to the suit or not. But the jury or trial judge is not bound to believe the testimony of a witness as to his intent, and may find in the circumstances, actions and language an intent entirely different."

And yet in *Meridian Oil Co. v. Dunham*, 5 Cal. App. 367, we find this ruling (p. 370):

"On direct examination appellant was interrogated as to his *understanding* and intention as to what he was to convey, and as to whether he *intended* to convey the lots in question to the company; all of which and other like questions called for the conclusion of the witness."

Again we may ask, conclusion from what? It calls for an ultimate fact, the grantor's intention, not for an inference drawn from subordinate or evidentiary facts. However, in that case, the ruling would have been correct, if it was testimony tending to vary the terms of a writing. The courts hold that a written agreement, freely and voluntarily signed, binds the parties irrespective of their intent. (*Silva v. Silva*, 32 Cal. App. 115, 117, 118.) But the agreement itself was oral, and partially executed by the erection of valuable improvements on the realty.

In *Holland v. Zollner*, 102 Cal. 633, 636, the challenged question reads,—*"What was the appearance of the man at that time with reference to his being rational or irrational?"* The objection there rests on the ground of competency of the lay witness to answer such a question, and is overruled. But the stock objection might have been urged,—*"it calls for a conclusion,"* and it plainly does; but a conclusion which the witness was authorized to make. The opinion says (p. 638):

"The paucity of language, and the incompetency of witnesses to describe graphically the photograph left upon the mind by observed facts, renders every effort to convey to a jury an adequate conception of the ultimate fact futile, except by announcing the conclusion in their own minds."

No one disputes the general rule; a witness must narrate facts, not his conclusions or opinions. But there are many exceptions to this rule. The *Holland* case recites some of them (p. 638):

"It is said the exception . . . applies to questions of identity, handwriting, quality, value, weight, measure, time, distance, velocity, form, size, age, strength, heat, cold, sickness and health; questions also concerning various mental and moral aspects of humanity, such as disposition, temper, anger, fear, excitement, intoxication, veracity, general character, etc. . . . (Note to Wharton on Evidence, Sec. 513.)"

So at best, it comes down to a question of rule and exception, where the exceptions are varied and numerous. And when the objection is interposed as to one's state of mind, it is beside the point entirely.

It would be a needless use of space to cite and quote the many cases in this jurisdiction which establish the rule. The contention here is that the objection as generally stated lacks precision, and that it is pointless when directed to one's

state of mind, and also when the instant facts bring it within the exception. A clear conception of trial procedure, its high purpose, its social significance, its personal and social values, will make the trial lawyer thoughtful and reticent about interposing objections of any sort; and he will sedulously refrain from any that are doubtful in merit, or pointless and futile. Not only does he delay the proceedings, but he lessens his power of accurate thinking and diminishes his own usefulness.

WHO MAKES OUR LAWS

THE predominance and influence of lawyers as legislators has frequently been remarked upon, but only sporadically measured by the facts. The point is well illustrated in the recent publication (January, 1943) by the Commonwealth Club of California, of the results of a factual study of the legislatures of this and other states made under the supervision of former Governor C. C. Young, bearing the title: *The Legislature of California, Its Membership, Procedure, and Work*. The following statement is taken from the first chapter dealing in part with the characteristics of legislators.—Ed.

OCCUPATION OF LEGISLATORS

Legislators are recruited from a wide variety of occupations. One difficulty in evaluating the dispersion of occupations is the ambiguous method with which legislators report and classify themselves. Some claim to be engaged in more than one activity, as "lawyer, citrus grower," or "banker, farmer." In such cases, the first mentioned occupation is generally regarded as most representative.

Lawyers and farmers predominate in many state legislatures, and according to Table VIII* they even shared 50 per cent of the national legislative personnel during the years 1931-1937. Because of the fact that their representation in the total population nowhere assumes such proportions, a study of their numerical superiority in state legislatures is of interest, considering the influence they exert on legislation.

A study of the 1939 legislative session in Florida revealed that 47 per cent of the Senate and 52 per cent of the House were lawyers. Agriculturists were the next largest group, and composed 26 per cent of the Senate and 19 per cent of the House. The legislature also included a minister, two physicians, four bankers, a laborer, and an engineer. * * *

A similar picture prevailed in the Missouri legislature during the period 1901-1931. In all but three sessions, lawyers comprised over half of the senate, and even in these three years lawyers outnumbered all other professional groups. Farmers predominated in the House for eleven of the sixteen sessions. Only in 1901 were farmers and lawyers equally represented in the House. In the other four sessions, lawyers led in numbers. * * *

That the farmers and lawyers were greatly over-represented may be seen from the fact that there were but 6500 attorneys-at-law in Missouri, yet they consistently made up more than half of the Senate and at least one-quarter of the House, and dominated the introduction and enactment of legislation. The 1930 census revealed that 51.2 per cent of Missouri's total popu-

*Table VIII is too long to reproduce here. It shows the following national average as to the occupation of state legislative personnel, based on unpublished data compiled by the Council of State Governments: Agriculture, 24.5%; Mercantile, 13.0%; Real Estate and Insurance, 5.8%; Manufacturing, 3.5%; Law, 24%; Education, 2.1%; Other Professional Services, 5.6%; All Others, 21.3%.

lation was urban, yet about a third of the House members were reported to be farmers, not to mention the other two-thirds of the House, many of whom also came from rural areas.

In Pennsylvania, lawyers again have been the dominant group in the legislature, although they have been fewer in number than in other Middle Atlantic States. Merchants, manufacturers, real estate and insurance men have constituted the next largest groups. Farmer legislators have decreased, apparently as urbanization and industrialization of Pennsylvania have intensified, and only Massachusetts and New Jersey show a smaller percentage of farmer legislators over the period 1931-1937.

Lawyers constitute the largest element of California's two houses. Table IX shows the distribution of occupations from 1927 to 1941. During these years, lawyers were predominant in both houses. In the Senate, farmers were the next largest group, while business men occupied this status in the Assembly. Real estate and insurance men have frequently outnumbered farmers in the lower house. Garage men and hotel-resort keepers constitute the largest blocs among the business men, and come mostly from rural areas.

TABLE IX.
Occupations of California Legislators, 1927-1941*

Occupations	Senate								Total
	1927	1929	1931	1933	1935	1937	1939	1941	
Law.....	13	13	16	14	12	14	13	13	108
Farming.....	8	7	6	9	12	11	11	10	74
Business.....	6	8	7	8	9	6	5	5	54
Real Estate and									
Insurance.....	5	5	3	4	3	5	6	5	36
Publishing.....	5	4	5	4	4	3	3	4	32
Miscellaneous.....	2	2	1	1	-	1	1	2	10
Professions Other									
Than Law.....(a)									
Labor.....(a)									
Total.....	39	39	38	40	40	40	39	39	314
Occupations	Assembly								Total
	1927	1929	1931	1933	1935	1937	1939	1941	
Law.....	27	24	31	31	27	32	30	29	231
Farming.....	10	11	13	8	9	11	14	12	88
Business.....	18	17	14	13	10	14	15	17	118
Real Estate and									
Insurance.....	9	11	9	12	13	10	6	7	77
Publishing.....	5	6	3	6	3	2	1	1	27
Miscellaneous.....	2	2	2	1	3	2	-	3	15
Professions Other									
Than Law.....	7	6	6	5	7	5	12	9	57
Labor.....	2	2	2	3	7	4	2	1	23
Total.....	80	79	80	79	79	80	80	79	636

(a) Not included in Senate reports.

*Based on McHenry, "Legislative Personnel in California," *Annals of the American Academy of Political and Social Science*, 195; 45-52, January, 1938.

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WAR AND THE LAWYER

THOSE not actively participating in the work of state and local bar associations cannot fully appreciate the extent of their services and accomplishments, many of which, as usual, will or must remain unreported. To disseminate information of general interest the American Bar Association, through its Committee on Coordination and Director of War Effort, keeps your local Association fully posted on national developments and local activities elsewhere. The following items of interest to the profession at large appear in the War Letter for January published by the Committee.

NAVAL COMMISSIONS: The United States Navy can utilize the services of lawyers. The broad skills and capacities possessed by many lawyers qualify them for training in a number of types of naval duty. At present the United States Navy is interested in two classes of men:

1. Lawyers up to 38 years of age possessing law degrees may qualify for training in coding, decoding and intelligence work or for armed guard duty on merchant vessels; or for general sea duty.

2. A limited number of lawyers who have outstanding records of accomplishment at the bar and in civic work, up to 42 years of age, may be used for administrative and personnel duty.

Each of these classes branches off into others in which the training and experience of lawyers may be useful. Members of the bar who are interested in serving in the United States Navy and sharing in its glorious traditions should promptly apply to their local Office of Naval Officer Procurement. Such offices are located in most large cities.

Lawyers found to be acceptable for these types of duty will be com-

missioned as Lieutenants, Junior Grade, if under 36 years of age and those between 36 and 42 will be eligible for commissions as Lieutenants, Senior Grade.

WAR PRODUCTIONS The *War Letter* has been asked to bring to the bar this message from Mr. Donald M. Nelson, Chairman of the War Production Board:

"You can make a direct contribution to the war effort by helping us solve a pressing problem. The Army and Navy need typewriters—500,000 of them—and we can depend upon the typewriter manufacturers for less than one-third that quantity. We must obtain the balance from American business; State and municipal authorities; and private owners.

"These typewriters will be used by the Army and Navy to carry on the essential services of our vastly expanded fighting forces. New typewriters available to the Army are now so few that they have been restricted to use only by combat units overseas, where servicing is difficult.

"Because American typewriter manufacturers are now producing guns and instruments, the Army and Navy must obtain and recondition used typewriters from people like yourself. Your careful consideration and cheerful cooperation with this program is urgently solicited so that the necessary procurement may be accomplished by purely voluntary means."*

MANPOWER. With the *War Letter* your Association also received a Manpower Bulletin signed by the Chairman of the Committee, calling attention to the opportunities for cooperation in meeting vital manpower requirements of the war as presented to the Bar by the War Manpower Commission. Among these the Chairman notes the following:

"Employment in War Industries. There are lawyers anxious to contribute to the war effort by taking employment in essential war industries. Arrangements have been made with the United States Employment Service and other federal agencies for the development of procedures for training and placing lawyers in war production and related industries. Comprehensive plans have been inaugurated in Detroit, Chicago, Cleveland, Philadelphia, and in New Jersey.

Lawyers as Specialists. The American Bar Association is cooperating with the National Roster of Scientific and Specialized Personnel in the preparation of plans for a national register of all of the lawyers of the country. Many lawyers possess collateral skills and abilities which may be utilized in other fields of work. A national roster of all of the lawyers in the country will indicate the skills and abilities possessed by individual lawyers apart from the practice of law, and constitute a valuable list of persons for placement in professional and technical work where personnel shortages exist. Stating that the program has the full approval and support of the W.M.C., local associations are requested to set up "services adequate to the expected needs."

It is a tribute to the local associations throughout California and to the State Bar that they have already set up many services adequate to the expected needs, not only in this but in related parts of the war effort, and are in the process of setting up others. The local associations are in the front line trenches, and the Los Angeles Bar Association is doing its share.

*It is interesting to note that the Los Angeles Bar Association took cognizance of this need several months ago. A plea for typewriters for the use of the armed forces was published in the BAR BULLETIN in September, 1942.

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